
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES – January 21, 2020

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Absent: Norris.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Statement from Mayor Higgins

Mayor Higgins read a prepared statement highlighting the 2019-year accomplishments the borough has achieved and thanking the volunteers, professionals and employees for their part in working together.

COUNCIL APPEARANCE

Dave DeSanto, 66 Cemetery Hill Rd., asked for an update on the borough purchasing the Open Space property near the cemetery.

Hearing no further public input, motion made by Conry and seconded by Cox to close the audience portion.

Ayes: 6 Nays: 0
Motion Carried.

The following Fire Department officers were sworn in for the 2020-2021 term by Mayor Higgins:

Dirk Higgins- Chief
Josh Devoe- Asst. Chief
Captain- Joseph Fox Jr
Captain- Ronald Hartrum
Lieutenant- Courtney Jozoski
Lieutenant- Derek Martino

VOUCHERS AND CLAIMS

Motion made by Conry seconded by Duchemin to pay the vouchers and claims in the amount of \$1,220,804.76 from the current fund and \$ 51,685.46 from sewer.

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried.

MINUTES

Motion made by Conry and seconded by Noone to approve the following regular meeting minutes:

December 3, 2019
December 17, 2019
December 30, 2019
January 7, 2020

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle, Higgins.

Ayes: 6, Nays: 0
Motion Carried.

MAYORS APPOINTMENTS

Library Appointments

Motion made by Noone and seconded by Conry to approve Mayor Higgins Library appointments: John Valentine and Ron Duryea.

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle, Higgins.

Ayes: 6, Nays: 0 Abstain: 1(Duchemin)
Motion Carried.

ORDINANCE-1st Reading

Motion made by Valle and seconded by Duchemin to approve Ordinance 2020-02 on first reading with a public hearing scheduled for February 18, 2020.

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE 2020-02

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE SALARY ORDINANCE FOR CERTAIN POSITIONS AND ADDING CERTAIN TITLES AS FOLLOWS

WHEREAS, pursuant to changes to state minimum wage requirements, various collective bargaining agreements, and the reorganization of certain positions, it has become necessary to adjust certain salary ranges and add various titles;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following salary ranges be amended:

| <u>SCHEDULE C – UNCLASSIFIED SERVICE</u> | | | | | | | |
|---|--|--|--|--|------------------------------------|---|-------------|
| <u>POSITION TITLE</u> | | | | | <u>SALARY OR WAGE RANGE</u> | | |
| Municipal Department Head | | | | | \$11,000 | - | \$90,000 AN |

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following titles and ranges be added to the salary ordinance under “Schedule A – Full-Time Classified”:

| <u>SCHEDULE A – FULL-TIME CLASSIFIED</u> | | | | | | | |
|---|--|--|--|--|------------------------------------|--|----|
| <u>POSITION TITLE</u> | | | | | <u>SALARY OR WAGE RANGE</u> | | |
| Clerk 1 (NC) Shared Services Stipend | | | | | \$5,000 | | AN |

RESOLUTIONS

Motion made by Conry and seconded by Noone to approve Resolution 2020-21

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0

Motion carried.

BOROUGH OF WASHINGTON WARREN COUNTY, NEW JERSEY RESOLUTION 2020-21

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE BOROUGH OF WASHINGTON TO ENTER INTO AN SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WASHINGTON PROVIDING FOR

WHEREAS, the Borough is desirous to enter into a Shared Services Agreement (hereinafter “Agreement”) with the Township so as to provide for the services of a Clerk to the Tax Assessor; and

WHEREAS, *N.J.S.A 40A:65-1 et seq.* commonly known as “The Uniform Shared Services and Consolidation Act”, has been provided so as to enable municipalities and other governmental entities to enter into contracts with each other for the sharing of services; and

WHEREAS, the Borough is willing to provide municipal engineering services to the Township;
and

WHEREAS, the sharing of will benefit both the Borough and the Township by increasing the efficiency and decreasing the costs of those services; and

WHEREAS, the parties have agreed that the Borough will provide to the Township in accordance with the Uniformed Shared Services and Consolidation Act, *N.J.S.A, 40A:65-1 et seq.* and terms and conditions of this agreement; and

WHEREAS, the Township has approved this Agreement pursuant to **RESOLUTION 2020-_____** and the Borough has approved this Agreement pursuant to **RESOLUTION 2020-21**

NOW THEREFORE BE IT RESOLVED, that the foregoing recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree.

BE IT FURTHER RESOLVED, by the Borough of Washington, County of Warren and State of New Jersey that the Agreement detailed herein is approved and that the Mayor is hereby authorized to execute, on behalf of the Borough of Washington the aforesaid Shared Services Agreement.

Motion made by Valle and seconded by Duchemin to approve Resolution 2020-22

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2020-22

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN SURPLUS PROPERTY OF THE
BOROUGH OF WASHINGTON**

WHEREAS, the Borough of Washington is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Borough of Washington is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Borough of Washington as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Washington.
- (2) The sale will be conducted online 12/3/2019 to 12/10/2019 and the address of the auction site is www.govdeals.com
- (3) The sale is being conducted pursuant to Resolution 2020-
- (4) A list of the surplus property to be sold is as follows:

1999 Elgin GeoVac/Sterling SC-8000 Chassis
VIN: YHF75476
- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Washington reserves the right to accept or reject any bid submitted.

Motion made by Valle and seconded by Conry to approve Resolution 2020-23

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2020-23
RETAIL CONSUMPTION LICENSE
PPS Liquors
LICENSE NUMBER #2121-33-003-005**

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the applicant due to circumstances beyond his control and after filing for relief from the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control was granted a 12:18 Special Ruling, granting relief dated December 6, 2019; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

License # 2121-33-003-005
PPS Liquors
3 Winchester Ave
Hackettstown, NJ

From July 1, 2019 – June 30, 2020, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-24

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 5, Nays: 0 Abstain: 1 (Conry)
Motion carried.

RESOLUTION # 2020-24
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865, in the amount of \$24.34 for taxes or other municipal liens assessed for the year 2018 in the name of Fazzari, Paul & Melinda as supposed owners, and in said assessment and sale were

described as 58 McDonald Street, Block 2.02 Lot 6, which sale was evidenced by Certificate #19-00002; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-14-20 and before the right to redeem was cut off, as provided by law, Paul Fazzari claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$701.40, which is the amount necessary to redeem Tax Sale Certificate #19-00002.

NOW THEREFORE BE IT RESOLVED, on this 21st day of January, 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865 in the **amount of \$701.40** (This amount consists of \$701.40 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.02 Lot 6 from the tax office records.

Motion made by Valle and seconded by Noone to approve Resolution 2020-25

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 4, Nays: 0 Abstain: 2 (Conry & Duchemin)
Motion carried.

RESOLUTION 2020-25
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

| BLOCK/LOT | NAME/ADDRESS | REASON/ADJUSTMENT |
|------------------|--|---|
| 95/27 | Iris Perrot 40 South Lincoln Ave. Washington, NJ 07882 | Change in Use (2) to (1) E.D.U. Effective: January 2020 |

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of

this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Motion made by Valle and seconded by Noone to approve Resolutions 2020-26 and 2020-27

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2020-26

RESOLUTION FOR REDEMPTION OF TAX SALE CERTIFICATE
as per N.J.S.A.54: 5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$848.08 for taxes or other municipal liens assessed for the year of 2016 and in the name of Mennella, Michele as supposed owner, and in said assessment and sale were described as 57-59 S. Lincoln Avenue, Block 98 Lot 25, which sale was evidenced by Certificate #17-00034.

WHEREAS, I, Natasha Turchan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-10-2020 and before the right to redeem was cut off, as provided by law, Mario Mennella claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$7,169.96, which is the amount necessary to redeem Tax Sale Certificate #17-00034.

NOW THEREFORE BE IT RESOLVED, on this 21st day of January, 2020 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #17-00034 for cancellation.

BE IT FUTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98
Lot 25 from the tax office records.

RESOLUTION 2020-27

RESOLUTION FOR REDEMPTION OF TAX SALE CERTIFICATE
as per N.J.S.A.54: 5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 6, 2019 to Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$176.23 for taxes or other municipal liens assessed for the year of 2018 and in the name of Gesner, Michael & Janet as supposed owners, and in said assessment and sale were described as 51 Broad Street, Block 95 Lot 20, which sale was evidenced by Certificate #19-00036.

WHEREAS, I, Natasha Turchan, the Collector of Taxes of said taxing district of the Borough of

Washington, do certify that on 1-15-2020 and before the right to redeem was cut off, as provided by law, Michael Gesner claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,643.69, which is the amount necessary to redeem Tax Sale Certificate #19-00036.

NOW THEREFORE BE IT RESOLVED, on this 21st day of January, 2020 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #19-00036 for cancellation.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 20 from the tax office records.

Motion made by Conry and seconded by Cox to approve Resolution 2020-28

ROLL CALL: Conry, Cox, Duchemin, Noone, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2020-28
BOROUGH OF WASHINGTON
COUNTY OF WARREN
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR
THE SHARING OF PUBLIC ADMINISTRATOR SERVICES WITH THE TOWNSHIP OF
OXFORD**

WHEREAS, pursuant to Common Sense Shared Services Pilot Program Act, N.J.S.A. 40A:65-4.1 et seq., the Borough of Washington and the Township of Oxford, both pilot municipalities, entered into an agreement for the shared services of a Municipal Clerk, Registrar, Deputy Clerk and Public Administrator (“Municipal Clerk, Registrar, Deputy Clerk and Public Administrator Agreement”); and

WHEREAS, the Municipal Clerk, Registrar, Deputy Clerk and Public Administrator Agreement became effective on January 1, 2020; and

WHEREAS, on or about December 20, 2019, a Verified Complaint and Order to Show Cause was filed on behalf of Plaintiff, Sheila Oberly, Oxford Township’s current clerk The action, filed in the Superior Court of New Jersey, Warren County Law Division bearing docket number WRN-L-000412-19, challenged the sharing of Washington Borough’s Clerk and sought temporary and preliminary restraints; and

WHEREAS, on December 24, 2019, oral argument was held with regard to the imposition of temporary restraints before the Honorable Thomas C. Miller, P.J. Cv.; and

WHEREAS, as a result of argument, the Honorable Thomas C. Miller, P.J. Cv., issued Order(s) dated December 24, 2019 and December 27, 2019, temporarily restraining the Township of Oxford and the Borough of Washington from taking any action under the Agreement which would “eliminate Plaintiff’s position as Municipal Clerk for the Township of Oxford” or “effect Plaintiff’s position or compensation as Municipal Clerk for the Township of Oxford”; and

WHEREAS, the parties have since agreed that the Oxford Clerk, Sheila Oberly shall be reinstated retroactive to her termination date as Municipal Clerk for the Township of Oxford under the same salary, benefits and conditions that existed prior to her termination; and

WHEREAS, as previously set forth in **Resolution 2020-20** the Borough of Washington and Township of Oxford remain desirous to continue with the sharing of Public Administrator services pursuant to the Agreement; and

WHEREAS, in order to clarify the current arrangement between Washington Borough and the Township of Oxford, the governing bodies of the respective entities have agreed to memorialize the arrangement through the execution of a separate agreement (Shared Services Agreement for Public Administrator), which recognizes the sharing of Public Administrator services only; and

WHEREAS, the terms of the Shared Services Agreement for Public Administrator have remained consistent with the terms originally set forth in the Municipal Clerk, Registrar, Deputy Clerk and Public Administrator Agreement, insofar as they applied to the Public Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren and State of New Jersey as follows:

1. The Borough Mayor is hereby authorized and directed to execute the attached Shared Services Agreement for Public Administrator in accordance with the terms and provisions set forth.
2. A copy of the Agreement shall be filed with the Township Clerk and shall be open for public inspection at the Township Municipal Building upon adoption of this Resolution.
3. The Agreement shall take effect immediately and be retroactive to January 1, 2020.
4. A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.
5. This Resolution shall take effect immediately upon adoption according to law.

RECAP

Manager Hall will follow up with regards to the closing on the Baker Tract property.

COUNCIL REMARKS

Councilwoman Noone gave the following remarks:

- Reminded everyone to come to the Senior Advisory event on February 8th at the firehall, painting Winter and Valentine's Day scenes.

Councilwoman Cox gave the following remarks:

- Stated it was nice to see the comradery of the Fire Department for their own members.
- Likes how smooth the meetings have gone so far and appreciates that things are being explained to her.

Councilwoman Valle gave the following remarks:

- Reiterated same sentiments as Councilwoman Cox regarding the fire department.

- Inquired about the condition of the bridges in the borough specifically the railroad bridges and asked how often are they inspected, stating that the railroad bridge on Route 31 looks really bad.
- The street sign for Grand Avenue is missing.
- Paint is chipping on Route 57 and Broad Street where the crosswalk is.
- Inquired about having a blue line painted showing support of the police department.
- Drug Free School Zone signs are really faded.

Councilwoman Duchemin stated the following:

- Stigma Free meets this Saturday downstairs in the municipal building.
- Expressed her satisfaction in keeping the taxes flat this year.

Deputy Mayor Conry gave the following remarks:

- Reminded everyone of the Senior Advisory meetings held at the end of each month (last Friday of each month) at 7 PM.

Mayor Higgins gave the following remarks:

- Discussed the upcoming BID dinner at Hawke Point on February 6th from 6 pm-9 pm.

ADJOURNMENT

Hearing no further business, a motion was made by Conry seconded by Cox to adjourn the meeting at 8:20 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk